

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CATHEDRAL ART
METAL CO., INC.,

Plaintiff,

V.

DIVINITY BOUTIQUE, LLC, *et al.*

Defendants.

Civil Action No. 1:18-cv-00141-WSD

MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Pursuant to Rule 12(b)(2), Defendant Divinity Boutique, LLC moves to dismiss Plaintiff's First Amended Complaint for lack of personal jurisdiction.

[Doc. 53]. Pursuant to Rule 12(b)(6), Defendants move to dismiss Count II, for Federal Trademark and Trade Dress Infringement and Unfair Competition, and Count VI, for Trade Dress Infringement Under 15 U.S.C. § 1125(a), for failure to state a claim upon which relief may be granted.¹

A brief in support and proposed order are attached hereto.

¹ Plaintiff's filing of an amended complaint rendered moot Defendants' previous motion to dismiss. See *Colotl Coyotl v. Duke*, No. 1:17-CV-1670-MHC, 2017 WL 6997142, at *2 (N.D. Ga. Nov. 8, 2017) (citing *Dresdner Bank, A.G. v. M/V Olympia Village*, 463 F.3d 1210, 1215 (11th Cir. 2006); other citation omitted).

Dated: March 1, 2018

s/ Charles M. Landrum III

Attorney Bar Number: 312056

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2018 I electronically filed the foregoing *Motion to Dismiss Plaintiff's Amended Complaint* with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Stephen M. Schaetzel
Walter Hill Levie III
Tom Noel

s/ Charles M. Landrum III

Georgia Bar No. 312056
Attorney for Defendants